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MIED (Rev.5/13) EEOC Civil Complaint

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

WALLER, JR DANIEL C

Plaintiff,

Case 2:15-cv-13305

Judge: Lawson, David M.

MJ: Grand, David R.

Filed: 09-17-2015 At 04:23 PM

CMP WALLER V. DPS, JERRY L. WHITE C

ENTER HIGH SCHOOL ET AL (NA)

v.
MOORE-PATTON TIAVON
VINCENT RAMONA
BENJAMIN QUANTA M. Hedge
ROSADO MARIA
HAIL CRINISHA
CAIDWAY ANGELA
CAIN ROBERT

Defendant(s).

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972) for employment discrimination. Jurisdiction is specifically conferred on this Court under 42 U.S.C. § 2000e-5.
2. Plaintiff resides at the address at the bottom of this form.
3. Defendant's address is:

Street Address	City	State	Zip
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4. The address where the alleged discrimination occurred (the address where you were employed or sought employment):

19804	M ^r Nichols	DETROIT	MICH	48235
Street Address		City	State	Zip

5. The alleged discriminatory acts occurred:

2013	—	Dec 2014
From (date)		To (date)

6. Charges were filed with the Michigan Civil Rights Commission regarding defendant's alleged discriminatory conduct:

Day/month/year (if you did not file with this agency, leave this line blank)

7. Charges were filed with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct:

22/December/2014
Day/Month/Year (if you did not file with this agency, Leave this line blank)

MIED (Rev.5/13) EEOC Civil Complaint

8. The Final Determination/Notice of Right to Sue letter from the Equal Employment Opportunity Commission was received on: June 25, 2015

I ☒ Have ☐ Have **NOT** filed this complaint within the 90 day period as required by 42 U.S.C. § 2000e-5.

9. The acts complained about in this suit concern:

A. ☐ Failure to employ you

B. ☒ Termination of employment

C. ☐ Failure to promote you

D. ☒ Other acts, explained below:

Retaliation, Religion: Jehovah W. Witnesses
HARASSMENT, INTIMIDATION

10. Defendant's conduct is discriminatory based upon:

A. ☐ Race

B. ☐ Color

C. ☒ Gender

D. ☒ Age

E. ☐ National Origin

F. ☒ ADA-defined disability/other: Age

11. A copy of my charge to the Equal Employment Opportunity Commission is attached to this Complaint and is submitted as a brief statement of the facts of this claim.

If relief is not granted, I will be irreparably denied rights secured by Title VII of the Civil Rights Act of 1964 and/or the Elliot-Larsen Civil Rights Act.

I therefore pray that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney fees.

Dated: 9/16/15

Daniel C. Waller Jr
 Plaintiff's Signature

Daniel C. Waller Jr
 Plaintiff's Printed Name

4710 Julius Blvd
 Street Address

Westland, Mich 48186
 City, State, Zip Code

321-443-3825
 Telephone Number

danielcwalleri@gmail.com
 E-mail Address

EEOC Form 5 (11/09)

Wanda-Williams@eepoc.gov

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

471-2015-00755

Michigan Department Of Civil Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Daniel Waller

Home Phone (Incl. Area Code)

(734) 722-2813

Date of Birth

05-11-1955

Street Address

City, State and ZIP Code

4710 Julius Blvd, Westland, MI 48186

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Detroit Board of Education/JERRY L. WHITE HIGH SCHOOL

No. Employees, Members

500

Phone No. (Include Area Code)

(313) 416-4200

Street Address

City, State and ZIP Code

14804 McNichols, Detroit, MI 48235

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☒ RELIGION ☐ NATIONAL ORIGIN

☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION

☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

08-01-2014**08-31-2014**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began working for the above named employer approximately September 1993, since 2008 assigned to the Jerry L. White High School. My job title is an Adaptive Aquatics Teacher Aide.

In or about August 2014 I made a complaint to HR regarding discrimination I was experiencing. From female co-workers there were comments made about me being senile and forgetful. Due to religion, I was subject to not being a team player for non participation of holiday events. Once making a report to the Police for an incident with another co-worker I was called by the Principal and reprimanded. Thereafter, I was subjected to a three day suspension.

I can only conclude that I was suspended due to my sex, male, age, 59, religion, Jehovah Witness, and in retaliation for having participated in a protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Dec 22, 2014

Date

Charging Party Signature

Wanda T. Williams

CIVIL COVER SHEET

County in which action arose Wayne

JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

(a) PLAINTIFFS WALLER, JR. Daniel CDEFENDANTS DPS, Jerry L. White Center High School, ET AL(b) County of Residence of First Listed Plaintiff Wayne
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Wayne

(c) Attorneys (Firm Name, Address, and Telephone Number)

NC Case 2:15-cv-13305
Judge: Lawson, David M.
A MJ: Grand, David R.
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ENTER HIGH SCHOOL ET AL (NA)

BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
10 Insurance 20 Marine 30 Miller Act 40 Negotiable Instrument 50 Recovery of Overpayment & Enforcement of Judgment 51 Medicare Act 52 Recovery of Defaulted Student Loans (Excludes Veterans) 53 Recovery of Overpayment of Veteran's Benefits 60 Stockholders' Suits 70 Other Contract 85 Contract Product Liability 96 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY 0 Land Condemnation 0 Foreclosure 0 Rent Lease & Ejectment 0 Torts to Land 5 Tort Product Liability 9 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 IIIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

ORIGIN (Place an "X" in One Box Only)

- Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

6,016,808.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

OFFICE USE ONLY

EIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

New LawsUIT Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

<input checked="" type="checkbox"/>	Two (2) completed Civil Cover Sheets .	Case: 2:15-cv-13305 Judge: Lawson, David M. MJ: Grand, David R. Filed: 09-17-2015 At 04:23 PM CMP WALLER V. DPS, JERRY L. WHITE C ENTER HIGH SCHOOL ET AL (NA)	
<input checked="" type="checkbox"/>	Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank. <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="text-align: center; margin-right: 10px;"> <u>7</u> # of Defendants </div> <div style="margin-right: 10px;">+ 2 =</div> <div style="text-align: center; margin-right: 10px;"> <u>9</u> Total </div> <div>Complaints.</div> </div> <div style="margin-top: 10px;"> Received by Clerk: <u>NA</u> Addresses are complete: <u>NA</u> </div>		
<input type="checkbox"/> If any of your defendants are government agencies : Provide two (2) extra copies of the complaint for the U.S. Attorney and the Attorney General.			
If Paying The Filing Fee:		If Asking That The Filing Fee Be Waived:	
<input type="checkbox"/>	Current new civil action filing fee is attached. Fees may be paid by check or money order made out to: <div style="text-align: center; margin-top: 10px;">Clerk, U.S. District Court</div> <div style="margin-top: 10px;"> Received by Clerk: _____ Receipt #: _____ </div>	<input checked="" type="checkbox"/>	Two (2) completed Application to Proceed in District Court without Prepaying Fees or Costs forms. <div style="text-align: center; margin-top: 20px;"> </div> <div style="margin-top: 10px;"> Received by Clerk: _____ </div>
Select the Method of Service you will employ to notify your defendants:			
Service via Summons by Self	Service by U.S. Marshal <small>(Only available if fee is waived)</small>	Service via Waiver of Summons <small>(U.S. Government cannot be a defendant)</small>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	You need not submit any forms regarding the Waiver of Summons to the Clerk. <u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:</u> <ul style="list-style-type: none"> One (1) Notice of a Lawsuit and Request to Waive Service of a Summons form per defendant. Two (2) Waiver of the Service of Summons forms per defendant. <div style="margin-top: 20px;"> Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants. </div>
<input type="checkbox"/>	Two (2) completed USM – 285 Forms per defendant, if you are requesting the U.S. Marshal conduct service of your complaint. <input type="checkbox"/> Two (2) completed Request for Service by U.S. Marshal form.		
Received by Clerk:	Received by Clerk: _____		

Clerk's Office Use Only

Note any deficiencies here: